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By: Erin M. MillerDate: 01/03/02

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

JOENS, L.

Serial Number: 09/677,108

Group Art Unit: 1645

Filed: September 29, 2000

Examiner: R. Zeman

For: VACCINES AND PROLIFERATIVE ILEITIS AND METHODS OF MAKING AND  
USING THE SAMERESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner of Patents  
Washington, D.C. 20231

January 3, 2002

Sir:

In reply to the Office Action issued December 3, 2001, Applicant elects with traverse the claims of Group I drawn to whole culture vaccines.

Applicant respectfully traverses certain aspects of the Restriction Requirement and ask for the Examiner's review and reconsideration. Groups I, II and III are directed to different aspects of the same claims, and are all three classified in the same class and subclass, the difference being between whole culture vaccines, inactivated culture vaccines and modified live vaccines. It is respectfully submitted that the same art must be reviewed for the same purpose for each of these types of vaccines, which is not surprising as they are classified exactly the same. It is submitted that there is no sustainable basis for requiring election among Groups I, II and III. Although not elected, identical issues of the same class and subclass are

found between Groups V and VI, Groups IX and X, Groups XIII, XIV and XV, and Groups XVI and XVII.

On review it is believed that the Examiner will find that at least those claims classified in the same class and subclass should be examined together and that claims 1 - 7, 22 and 26 are elected for all whole cell vaccines, which include Groups I, II and III.

Respectfully submitted,



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